

### **REMARKS**

This Application has been carefully reviewed in light of the Office Action mailed August 21, 2007. At the time of the Office Action, Claims 1-15 were pending in this Application. Claims 1-15 were rejected. Claims 1, 3-6, 9, 11, and 13-15 have been amended to further define various features of Applicant's invention. Claims 2, 7, 8, 10, and 12 have been cancelled without prejudice or disclaimer. Claim 16 and 17 have been added. Applicant respectfully requests reconsideration and favorable action in this case.

#### **PTO Form 892**

Applicant would like to bring to the Examiner's attention that certain claims have been rejected under 35 U.S.C. § 103(a) as being unpatentable in view of U.S. Patent 5,996,045 issued to Lane Lee et al. and U.S. Patent Publication 2003/0196465 (now U.S. Patent 6,877,348) issued to Rolf Buecker et al., however, these references have not been identified on a PTO-Form 892, nor were the references submitted by Applicant on a PTO-Form 1449. Applicant respectfully requests that U.S. Patent 5,996,045 issued to Lane Lee et al. and U.S. Patent 6,877,348 issued to Rolf Buecker et al. be listed on a PTO-Form 892 in the next action.

#### **Rejections under 35 U.S.C. § 112**

Claims 1, 6, 7, and 11 were rejected by the Examiner under 35 U.S.C. §112, second paragraph, as being indefinite and failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant amends Claims 1, 6, 7, and 11 to overcome these rejections and respectfully request full allowance of Claims 1, 6, 7, and 11 as amended.

Claim 9 was rejected by the Examiner under 35 U.S.C. §112, second paragraph, because there is insufficient antecedent basis for the limitation in the claim. Applicant amends Claim 9 to overcome these rejections and respectfully request full allowance of

Claim 9 as amended. Claim 9 now defines the means for actively detecting a change as a resistor network as shown for example in Fig. 1 of the originally submitted specification.

**Rejections under 35 U.S.C. §103**

Claims 1, 2, 6-8, 11, and 12 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,629,050 issued to Onkar S. Modgil ("Modgil"), in view of U.S. Patent 6,545,852 issued to James H. Arnold ("Arnold"). Applicant respectfully traverses and submits the cited art combinations, even if proper, which Applicant does not concede, does not render the claimed embodiment of the invention obvious.

Claims 3 and 13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Modgil, in view of Arnold, and further in view of U.S. Patent 6,665,802 issued to Robert E. Ober ("Ober"). Applicant respectfully traverses and submits the cited art combinations, even if proper, which Applicant does not concede, does not render the claimed embodiment of the invention obvious.

Claims 4 and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Modgil, in view of Arnold, and further in view of U.S. Patent Publication 2003/0196465 (now U.S. Patent 6,877,348) issued to Rolf Buecker et al. ("Buecker"). Applicant respectfully traverses and submits the cited art combinations, even if proper, which Applicant does not concede, does not render the claimed embodiment of the invention obvious.

Claims 5, 10, and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Modgil, in view of Arnold, and further in view of U.S. Patent 5,996,045 issued to Lane Lee et al. ("Lee"). Applicant respectfully traverses and submits the cited art combinations, even if proper, which Applicant does not concede, does not render the claimed embodiment of the invention obvious.

In order to establish a prima facie case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580

(C.C.P.A. 1974). Furthermore, according to § 2143 of the Manual of Patent Examining Procedure, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Applicant amended the independent Claims to more clearly define the present invention. To this end, the independent Claims now define the invention as shown in Figs. 1 - 3. The specification describes the scenario of a disturbance, such as a magnetic pulse, in a vehicle environment which may cause the activation of a motor or the like. See specification, for example, page 8, paragraph [0032-41]. In particular the use of a driver amplifier may amplify a disturbance of the control signal generate an erroneous activation of a motor. When such an error occurs, the detection means can re-activate the microcontroller through its interrupt input even though when the microcontroller is in a sleep mode and correct this error. New claims 16 and 17, add the feature of actively correcting an error. These features are disclosed in the original specification, for example, on page 10, paragraph [0041].

None of the cited prior art discloses the features of the amended independent claims. in particular, *Arnold* does not disclose the detection of any disturbance of a control signal. Hence, Applicant believes that all claims as amended are now patentable in view of the cited prior art. Applicants respectfully submit that the dependent Claims are allowable at least to the extent of the independent Claim to which they refer, respectively. Thus, Applicants respectfully request reconsideration and allowance of the dependent Claims. Applicants reserve the right to make further arguments regarding the Examiner's rejections under 35 U.S.C. §103(a), if necessary, and do not concede that the Examiner's proposed combinations are proper.

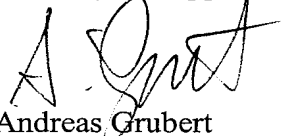
**CONCLUSION**

Applicant has now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicant respectfully requests reconsideration of all pending Claims as amended.

Applicant believes there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicant's attorney at 512.322.2545.

Respectfully submitted,  
BAKER BOTTS L.L.P.  
Attorney for Applicant



Andreas Grubert  
Reg. No. 59,143

Date: October 19, 2007

SEND CORRESPONDENCE TO:

Baker Botts L.L.P.

CUSTOMER ACCOUNT NO. **31625**

512.322.2545

512.322.8383 (fax)